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FILED
DISTRICT COURT OF GUAM

JAN 19 2007

MARY L.M. MORAN
CLERK OF COURT

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10
11 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 97-00026
12 Plaintiff,)
13 vs.)
14 MELVIN LEON GUERRERO,) MOTION FOR ENTRY OF FINAL
15 Defendant,) ORDER IN CONTINUING
16 _____) GARNISHMENT
17 SMITHBRIDGE GUAM INC.,)
18 Garnishee.)
19 _____)

20 Plaintiff, United States of America, respectfully requests the Court to enter the Final
21 Order in Continuing Garnishment in this matter pursuant to 28 U.S.C. § 3205. In support of this
22 motion, the United States respectfully states to the Court the following:

23 1. An Application for Writ of Continuing Garnishment was filed by the United
24 States of America, and a Writ of Continuing Garnishment directed to Garnishee was duly issued
25 and served upon the Garnishee.

26 2. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer
27 stating that at the time of the service of the Writ it had in its possession or under its control
28 personal property belonging to and due defendant, in the form of earnings.

1 3. The defendant was served with a copy of the Writ of Continuing Garnishment and
2 notified of his right to a hearing. The defendant has not requested a hearing to determine exempt
3 property.

4 4. 28 U.S.C. § 3205(c)(7) states:

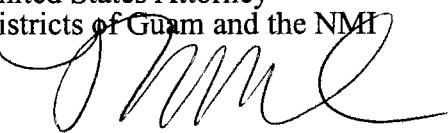
5 After the garnishee files an answer and if no hearing is requested
6 within the required time period, the Court shall promptly enter an
7 order directing the garnishee as to the disposition of the judgment
debtor's non-exempt interest in such property.

8 5. As set forth in the Writ of Continuing Garnishment, the amount of the debt due
9 totals \$174,655.83, as of October 20, 2006.

10 WHEREFORE, all conditions to the issuance of a Final Order in Continuing Garnishment
11 against the non-exempt earnings of the defendant are fully satisfied. The United States
12 respectfully requests that a Final Order in Continuing Garnishment be issued.

13 DATED this 18th day of January, 2007.

14
15 LEONARDO M. RAPADAS
16 United States Attorney
17 Districts of Guam and the NMI



18 By:

19 MARIVIC P. DAVID
20 Assistant U.S. Attorney